

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEMECULA VALLEY UNIFIED  
SCHOOL DISTRICT.

OAH CASE NO. 2010090358

DENIAL OF STUDENT'S REQUEST  
FOR CHANGE OF HEARING  
LOCATION

On September 13, 2010, Parent, on behalf of Student (Student) filed a Request for Due Process Hearing (complaint), naming Temecula Valley Unified School District (District).

On September 20, 2010, Counsel for Student filed a Request for an Office of Administrative Hearings (OAH) Hearing Room to be utilized for mediation and due process hearing in this matter. On September 22, 2010, Counsel for the District filed an Opposition to Student's Request. On September 27, 2010, Student filed a Reply to the District's Opposition.

This matter is currently set for a one day hearing on November 2, 2010, at the District's administrative office, located at 31350 Rancho Vista Road, Temecula, California 92592.

APPLICATION OF LAW

Section 56505, subsection (b) of the California Education Code, provides that a due process hearing shall be held at a time and place reasonably convenient to the parent or guardian and the pupil.

Both parties share the right to a fair and impartial administrative hearing at the state level, before a person knowledgeable in the laws governing special education and administrative hearings. (Ed. Code, § 56501, subd. (b)(4).)

DISCUSSION

Student's stated reason for moving the hearing to an OAH hearing room is that an OAH office is reasonably convenient to parents. The request is insufficient as it does not

identify which OAH office Parents consider to be convenient, or why such location is convenient to Student and his parents.<sup>1</sup> Student's rationale for such move is that she is entitled to a fair and impartial hearing. Student, however, does not provide any information to support this contention. Under the circumstances, this does not provide sufficient cause to change the hearing location to an OAH hearing room.

In her Reply, Student indicates that three independent locations in the Temecula area also acceptable to Student as hearing locations. While these locations are clearly located more conveniently to the parties, Student still has not provided sufficient cause to support the change in location. Of equal concern, Student's Reply is premature. Student has not indicated whether any of his alternate sites have facilities available for due process hearing and whether there is a cost involved utilizing the proposed sites. Additionally, a one-day hearing on this matter, as currently calendared, is unrealistic. Student's transfer to an alternate setting should not be made until firm hearing dates are selected, in order to determine the actual availability of any of Student's proposed sites.

#### ORDER

No good cause appearing, the request for a change of hearing location is DENIED without prejudice.

Dated: September 28, 2010

/s/

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JUDITH PASEWARK  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> The Laguna Hills OAH office is in the process of closing, therefore the nearest OAH offices to Student are located in San Diego and Van Nuys.